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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Xinnian Dong et al. Art Unit: 1638  
Serial No.: 08/908,884 Examiner: A. Nelson  
Filed: August 8, 1997 Customer No.: 21559  
Title: ACQUIRED RESISTANCE GENES AND USES THEREOF

Assistant Commissioner For Patents  
Washington, D.C. 20231

PRELIMINARY AMENDMENT

Prior to examination on the merits of the above-referenced continued prosecution application, kindly consider the following amendment and remarks based on the final Office Action mailed on March 12, 2001.

Please amend the application as follows.

In the Claims:

Amend claims 10-13 as follows:

10. (Four Times Amended) An isolated nucleic acid molecule that hybridizes to a nucleic acid molecule comprising the genomic nucleic acid sequence of Fig. 4 (SEQ ID NO:1), wherein said isolated nucleic acid molecule encodes an acquired resistance polypeptide comprising an ankyrin repeat, said acquired resistance polypeptide conferring, on a plant expressing said polypeptide, resistance to a plant pathogen.